

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

REV. XIU HUI “JOSEPH” JIANG,)	
)	
Plaintiff,)	
)	
vs.)	Cause No.: 4:15-CV-01008
)	
TONYA LEAVETTE PORTER, ET AL.)	
)	
Defendant.)	
)	

PARTIES’ JOINT RESPONSE TO THE SHOW CAUSE ORDER

By mutual agreement and consent of all parties, counsel for the SNAP Defendants – Survivors Network of Those Abused by Priests (“SNAP”), David Clohessy, and Barbara Dorris – file this response explaining the facts and circumstances regarding the ADR Referral Order. In response to the request to show cause, the parties state the following:

1. Counsel for the Plaintiff and counsel for the SNAP Defendants had a telephone conversation with Judge Jackson on August 18, 2017. Among other things, Counsel explained to Judge Jackson that the parties were close to resolving claims involving the SNAP Defendants and the mother of the minor child, N.M., and that Plaintiff would proceed to ADR with only the Police Defendants.

2. On August 31, 2017, the parties requested an extension of several deadlines in this matter, including an extension of time to complete the ADR up to October 13, 2017. Doc #238 at 2.

3. The parties had requested such extensions to allow for private settlement discussions to continue, as well as due to the limited financial resources of several defendants.

4. The private settlement discussions have resulted in resolution – in full or in principle – of the claims against several defendants. Plaintiff has resolved Plaintiff's claims against the SNAP Defendants (SNAP, avid Clohessy, and Barbara Dorris). The Plaintiff has also reached an agreement in principle with the mother of the minor. After such settlements are completed, the only remaining claim will be the Plaintiff's claim against the Police Defendants.

5. As to the Plaintiff's claims involving the Police Defendants, counsel for both parties have been in constant contact regarding scheduling. Because of the number of lawyers involved, and because it appeared as though settlement was possible and/or imminent with the SNAP Defendant and the mother of the minor child, mediation would likely be more effective and efficient if it were only between those two parties. To that end, all parties have been working together and in a mutually cooperative fashion.

6. The period during which ADR was ordered created significant scheduling problems because Plaintiff's counsel was in a two-and-a-half week murder trial in the matter of *State v. Stockley*, Cause Number 1622-CR02213. Lead counsel for the SNAP Defendants in this Court was also in a federal jury trial in Chicago, Illinois, during the third week of August.

7. There has been no undue delay or lack of due diligence in the preparation of this matter. It is still the remaining parties' expectations that we can set this matter

for ADR upon the completion of two depositions. The delay in this matter has been in the interest of justice. In addition, it is an efficient use of the parties' resources in order to resolve this matter.

8. Counsel for the SNAP Defendants is filing this in part because Plaintiff's counsel is currently experiencing Internet problems.

WHEREFORE, the parties request that this Court extend the period for referral to ADR to October 30, 2017; not impose any sanction on any relating to the prior ADR referral; and grant the parties any further relief this Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on this the 29th day of September, 2017, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will serve notification of this filing to the following counsel of record:

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